

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
 :
 JOSEPH O. HOFFMAN, D.O., : ORDER GRANTING PETITION FOR
 : REINSTATEMENT OF REGISTRATION
 PETITIONER :
 :

The Parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Joseph O. Hoffman
632 West Fern Drive
Fullerton, CA 92632

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Petitioner has filed a Petition for Reinstatement of Registration and made a personal appearance before the Board on March 25, 1993.

At the hearing on March 25, 1993, Petitioner also signed a stipulation agreeing that this Order shall constitute the final decision in this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Joseph O. Hoffman (D.O.B. 07/21/42) is duly licensed in the state of Wisconsin to practice medicine and surgery (license # 16885). This license was first granted on July 31, 1969.

2. Dr. Hoffman's current address on file with the Department of Regulation and Licensing is 632 West Fern Drive, Fullerton, CA 92632.

3. On or about October 20, 1990, The California Board of Osteopathic Examiners ("California Board") took action against the California license of Dr. Hoffman to practice medicine in that state.

4. On September 1, 1992, the Wisconsin Medical Examining Board issued an order accepting the surrender of Dr. Hoffman's Wisconsin registration, based upon the California Board Order referred to in ¶3, above.

5. On or about January 5, 1993, the Superior Court of the State of California, Los Angeles County, issued a Judgment ("California Court Judgment") concerning Dr. Hoffman's appeal of the October, 1990 Order of the California Board. Among other things, the California Court Judgment provided:

That a Peremptory Writ of Mandate issue commanding respondent [i.e. the California Board] (A) to set aside its decision of October 20, 1990 (to be effective on November 20, 1990) in its matter No. 89-2, OAH No.: L-47159; and (B) to reinstate petitioner's medical license No. 20A3492, unconditionally;

6. By letter dated February 17, 1993, the California Board advised, among other things:

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Please be advised that Joseph O. Hoffman, D.O. has a valid license to practice osteopathic medicine in California.

7. Dr. Hoffman wishes to resume the practice of medicine in the state of Wisconsin and has petitioned for a return of his Wisconsin registration. He has an offer of employment to work as an emergency room physician at Sinai Samaritan Medical Center in Wisconsin and wishes to begin working in such position immediately, if possible.

8. The California Court Judgment is subject to appeal and remand. However, if the California Court Judgment is reversed on appeal or remand, Dr. Hoffman has already completed the period of suspension ordered by the California Board. Accordingly, Dr. Hoffman would continue to have a valid license in California, although probationary conditions also set aside by the California Court Judgment, could be reimposed.

9. Dr. Hoffman consents to the issuance of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter, pursuant to §448.02(3), Wis. Stats.

2. The Wisconsin Medical Examining Board is authorized to enter into the attached stipulation and issue the following order, pursuant to §§227.44(5) and 448.02(3)(c), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. The registration of Joseph O. Hoffman is hereby REINSTATED, pursuant to the following terms and conditions. The license of Joseph O. Hoffman (license #16885) to practice medicine and surgery in the State of Wisconsin is LIMITED as follows:

a. In the event that the California Board Order is reimposed as a result of appeal, remand, or other further proceedings in California, Dr. Hoffman's Wisconsin license shall be subject to the same conditions as Dr. Hoffman's California license (with credit for the period of suspension already served in California). For example, if the probationary period in California is reimposed, such probationary period shall also apply to Dr. Hoffman's Wisconsin license.

b. In the event the probationary period in California is reimposed, Dr. Hoffman shall provide the Wisconsin Medical Examining Board with acceptable documentation of compliance with the terms of probation outlined in the California Order.

c. In the event that the probationary period in California is reimposed, the Wisconsin Medical Examining Board may, in its discretion, require submission of a current psychological assessment from a mental health care provider acceptable to the Board certifying that Dr. Hoffman is mentally fit to safely practice medicine. To be considered current, the assessment shall occur within thirty (30) days of its submission. If the assessment reveals a need for continued treatment, the Board may require participation in a program of treatment. In the alternative, and in the sole discretion of the Board, the Wisconsin Medical Examining Board may accept a psychological assessment dated January 30, 1991, provided to the California Board from Paul F. Slauson, M.D., of the University of California, Los Angeles. Upon request of the Board, Dr. Hoffman shall provide the Board with current releases complying with

state and federal laws, authorizing release of counseling, treatment, and/or employment records.

d. Irrespective of whether further proceedings occur in California, Dr. Hoffman shall have a third party present while examining or treating female patients, provided, however, that in an emergency room setting, this condition will be satisfied by the presence of other doctors, nurses, technicians, and assistants in the emergency room facility.

e. Irrespective of whether further proceedings occur in California, Dr. Hoffman shall obey all federal, state and local laws, and all rules governing the practice of medicine in the state of Wisconsin.

f. Irrespective of whether further proceedings occur in California, Dr. Hoffman shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

2. At any time following the time when all appeals relating to the California disciplinary action are concluded (including actions related to any further disciplinary proceedings arising as a result of remand or other action connected with the appellate process; or until the time for filing an appeal from any order relevant to that action has run, whichever is later), Dr. Hoffman may petition the Wisconsin Medical Examining Board for an order to revise or eliminate any of the above conditions. The Board in its discretion may require Dr. Hoffman to appear before the Board in conjunction with its consideration of a petition under this paragraph. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

3. The Wisconsin Medical Examining Board may grant a petition by Dr. Hoffman for removal of all terms and conditions imposed by this order and a return to unrestricted practice under his Wisconsin registration, if the California Court Judgment is not overturned on appeal or reinstated on remand. It shall be Dr. Hoffman's responsibility to provide the Board with appropriate documentation of completion of the California appellate review process in conjunction with any petition under this paragraph.

4. Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Dr. Hoffman's license; the Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

5. This Order shall become effective upon the date of its signing.

MEDICAL EXAMINING BOARD

By:


Clark O. Olsen, M.D.
Secretary, Medical Examining Board

Date

23 March, 1973

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
 :
JOSEPH O. HOFFMAN, D.O. : STIPULATION
PETITIONER :
 :

It is hereby stipulated between Joseph O. Hoffman, D.O. and the Wisconsin Medical Examining Board as follows that:

1. This Stipulation is entered into in resolution of Dr. Hoffman's Petition for Reinstatement of Registration.
2. Dr. Hoffman has consulted with legal counsel and obtained legal advice prior to the signing of this stipulation.
3. Dr. Hoffman agrees to the adoption of the attached Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

Joseph O. Hoffman
Joseph O. Hoffman, D.O.

3/25/93
Date

DeWitt, Porter, Eggert, Schumacher & Morgan, S.C.

By: Jon P. Axelrod
Jon P. Axelrod
Attorneys for Dr. Hoffman

3/25/93
Date

Clark O. Olsen
Clark O. Olsen, M.D.
Secretary, Medical Examining Board

25 March 1993
Date

